

**CARLSBAD GOLF LODGING
BUSINESS IMPROVEMENT DISTRICT (CGLBID) BOARD**

April 17, 2013 AGENDA

2:00 p.m.
City of Carlsbad
1635 Faraday Avenue, Room 173A
Carlsbad, CA

NOTICE TO THE PUBLIC:

1. Meetings are divided into categories shown below.
2. When you are called to speak, please come forward and state your name and address.
3. All persons requiring assistance or auxiliary aids in order to effectively participate may contact the Clerk's Office (760-602-2809) at least 24 hours prior to the meeting to arrange for reasonable accommodations.

PUBLIC COMMENT:

If you desire to speak about an item not listed on the agenda, a pink "Time Reservation Request" form should be filed with the Board Minutes Clerk. A total of 15 minutes is provided for the Public Comment portion of the Agenda. Speakers are limited to three (3) minutes each.

If you desire to speak concerning an item listed on the agenda, a white "Time Reservation Request" form should be filed with the Board Minutes Clerk. Each speaker is limited to three (3) minutes each. Please remember to state your name and address for the record.

I. CALL TO ORDER 2:00 p.m.

II. ROLL CALL

CONSENT CALENDAR: The items listed under Consent Calendar are considered routine and will be enacted by one motion as listed. There will be no separate discussion on these items prior to the vote, unless an item is removed.

(c) III. APPROVE MINUTES OF JANUARY 30, 2013

To approve the minutes of the January 30, 2013 meeting of the CGLBID Board of Directors.

REPORTS AND DISCUSSION ITEMS:

IV. AB 04-13-04 ADOPTION OF RULES OF PROCEDURE

To adopt Resolution 2013- 3G, adoption of Rules of Procedure and Professional Services.

V. AB 04-13-05 PROPOSED PROCESS FOR REIMBURSEMENT

To adopt Resolution 2013-4G approving reimbursement process.

VI. NEXT MEETING

Set date for next meeting. Agenda topics to include:

1. 2013-14 Budget and Annual Report
2. Approve reimbursement requests

The remainder of the categories is for reporting purposes. In conformance with the Brown Act, no public testimony and no Board action can occur on these items.

GENERAL COUNSEL COMMENT

PUBLIC COMMENT

ADJOURNMENT

MINUTES

MEETING OF: CARLSBAD GOLF LODGING BUSINESS IMPROVEMENT
DISTRICT BOARD MEETING

DATE OF MEETING: January 30, 2013

TIME OF MEETING: 3:00 p.m.

PLACE OF MEETING: Room 173A, Faraday Administrative Center, 1635 Faraday Avenue

CALL TO ORDER: General Counsel Paul Edmonson called the Meeting to order at 1:56 p.m.

ROLL CALL was taken by the Senior Deputy City Clerk, as follows:

Present: Stripe, Stiebeling, Glaser.

Absent: None.

II. ELECTION OF OFFICERS

On a motion by Board Member Stripe to elect Board Member Stiebeling as Chair and Board Member Glaser as Vice Chair, the Board unanimously adopted Resolution No. 2013-1G electing Board Member Stiebeling as Chair and Board Member Glaser as Vice Chair.

III. PRESENTATION FROM STAFF

General Counsel Edmonson provided the board an overview of its legal obligations, the requirements of following the Brown Act and an explanation regarding the public's right to view records of the Board.

IV. PROPOSED PROCESS FOR REIMBURSEMENT

AB 01-13-03

Staff liaison Cheryl Gerhardt explained the process for reimbursement for golf-related marketing expenditures. She stated she would review for accuracy that the amount requested to be reimbursed equaled the amount collected by the city. She added that any funds that were collected and not reimbursed would carry-forward to the next fiscal year. She further added that at no time would CTBID funds collected be merged with CGLBID collected funds.

In response to an inquiry from Vice Chair Glaser, Ms. Gerhardt stated she could provide a report that showed the amount of funds collected, funds remitted and any remaining balance.

Discussion ensued among board members and staff regarding the definition of reimbursable expenses and the intent of the City Council and ordinance that created the district.

Deputy City Manager Cynthia Haas explained that she understood it was Council's intent to follow the proposed reimbursement program as initially submitted by Board Member Stripe.

General Counsel Edmonson suggested that the definition of reimbursable expenses and process be further reviewed and revised as necessary by staff and brought back to the Board for its consideration at the Board's next meeting.

On a motion by Board Member Stripe, the Board concurred to continue this item to its next meeting.

IV. NEXT MEETING

By consensus, the Board agreed to hold the next meeting on April 17, 2013, at 2:00 p.m.

By proper motion, the Board Meeting of January 30, 2013, was adjourned at 2:40 p.m.

Sherry Freisinger
Senior Deputy Clerk



CARLSBAD GOLF LODGING BUSINESS IMPROVEMENT DISTRICT AGENDA BILL

AB#	04-13-04	ADOPTION OF RULES OF PROCEDURE CARLSBAD MUNICIPAL CODE CHAPTER 1.20, AS MODIFIED AND AS CONCEPTUAL GUIDELINES TO CONDUCT ITS MEETINGS	CGLBID STAFF
	04-17-13		GENERAL COUNSEL

RECOMMENDED ACTION:

If the Board deems it appropriate, adopt Resolution No. 2013-3G, approving the use of City Council Rules of Procedure, Chapter 1.20 of the Carlsbad Municipal Code for the board to use as conceptual guidelines to conduct its meetings.

ITEM EXPLANATION:

At its January 30, 2013 meeting, the Board of Directors of the Carlsbad Golf Lodging Business Improvement District (CGLBID) discussed adoption of the City's Rules of Procedure. The attached resolution would accomplish that matter.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

This action does not qualify as a project under the California Environmental Quality Act (CEQA) and will not have a physical adverse effect on the environment. (CEQA Regulation 15378(b).)

EXHIBITS:

1. Resolution No. 2013-3G.
2. Chapter 1.20 of the Carlsbad Municipal Code entitled City Council Procedure, with the exception of Sections 1.20.010, 1.20.400-1.20.480, 1.20.550, 1.20.580, 1.20.600 and 1.20.610.

DEPARTMENT CONTACT: Cheryl Gerhardt 760-602-2753 Cheryl.Gerhardt@carlsbadca.gov

FOR CLERK USE.				
BOARD ACTION:	APPROVED	<input type="checkbox"/>	CONTINUED TO DATE SPECIFIC	<input type="checkbox"/>
	DENIED	<input type="checkbox"/>	CONTINUED TO DATE UNKNOWN	<input type="checkbox"/>
	CONTINUED	<input type="checkbox"/>	RETURNED TO STAFF	<input type="checkbox"/>
	WITHDRAWN	<input type="checkbox"/>	OTHER – SEE MINUTES	<input type="checkbox"/>
	AMENDED	<input type="checkbox"/>	REPORT RECEIVED	<input type="checkbox"/>

RESOLUTION NO. 2013-3G

A RESOLUTION OF THE BOARD OF DIRECTOS OF THE CARLSBAD GOLF LODGING BUSINESS IMPROVEMENT DISTRICT, ADOPTING THE RULE OF PROCEDURE, CARLSBAD MUNICIPAL CODE CHAPTER 1.20, AS MODIFIED AND AS CONCEPTUAL GUIDELINES TO CONDUCT ITS MEETINGS

WHEREAS, at its November 27, 2012 meeting, the Carlsbad City Council adopted Ordinance No. CS-194 forming the Carlsbad Golf Lodging Business Improvement District (CGLBID); and

WHEREAS, the Board of Directors of the Carlsbad Golf Lodging Business Improvement District wishes to adopt rules of procedure.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Carlsbad Golf Lodging Business Improvement District as follows:

1. That the above recitations are true and correct.

2. That Chapter 1.20 of the Carlsbad Municipal Code, entitled "City Council Procedure" is hereby adopted by the Carlsbad Golf Lodging Business Improvement District Board as conceptual guidelines to conduct its meetings, with the exception of Sections 1.20.010, 1.20.025, 1.20.400-1.20.480, 1.20.550, 1.20.580, 1.20.600 and 1.20.610; and in those adopted sections where it reads "city council" or "council" it shall read "board of directors of the Carlsbad golf lodging business improvement district" or "board"; where it reads "council member" it shall read "board member"; and where it reads "city manager" it shall read "board liaison."

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PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors of the Carlsbad Golf Lodging Business Improvement District on the ____ day of _____ 2013, by the following vote to wit:

A YES:

NOES:

ABSENT:

Mark Stiebeling, Chair

ATTEST:

Pro Tem Clerk of the
Carlsbad Tourism Business Improvement District

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Title 1 - GENERAL PROVISIONS

Chapter 1.20 - CITY COUNCIL PROCEDURE

Chapter 1.20 - CITY COUNCIL PROCEDURE

Sections:

1.20.030 - Adjourned meetings.

1.20.050 - Meetings to be public—Exceptions—Closed sessions.

1.20.060 - Board agenda.

1.20.070 - Correspondence—Availability to the public.

1.20.080 - Correspondence—Authority of city manager.

1.20.090 - Quorum.

1.20.100 - Conduct of business.

1.20.110 - Order of business.

1.20.120 - Call to order—Presiding officer.

1.20.130 - Roll call.

1.20.140 - Reading of minutes.

1.20.150 - Minutes.

1.20.160 - Distribution of minutes.

1.20.170 - Recordings of meetings.

1.20.180 - Consent calendar.

1.20.190 - Presiding officer.

1.20.200 - Powers and duties of presiding officer.

1.20.210 - Gaining the floor.

1.20.220 - Questions to the staff.

1.20.230 - Interruptions.

1.20.240 - Points of order.

1.20.250 - Point of personal privilege.

1.20.260 - Privilege of closing debate.

1.20.270 - Calling the question.

1.20.280 - Protest against council action.

1.20.290 - Request to address the council on items other than listed public hearing.

1.20.300 - Purpose and intent—Addressing the council.

1.20.302 - Addressing the council—Spokesperson for group of persons.

1.20.305 - Opportunity for public to address the council—Nonagenda items.

1.20.310 - Decorum and order—Council and city staff.

1.20.320 - Public attendance and audience—Decorum and order.

1.20.330 - Enforcement of decorum.

1.20.340 - Voting procedures.

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1.20.350 - Disqualification for conflict of interest.

1.20.360 - Failure to vote.

1.20.370 - Tie vote.

1.20.380 - Changing vote.

1.20.390 - Reconsideration.

1.20.490 - Motions.

1.20.500 - Precedence of motions.

1.20.510 - Particular motions, purpose and criteria.

1.20.520 - Resolutions.

1.20.530 - Legislative action.

1.20.540 - Resolutions—Adoption.

1.20.560 - Correction of documents.

1.20.570 - Robert's Rules of Order.

1.20.590 - Failure to observe procedures—Waiver.

1.20.020 - Special meetings.

Special meetings may be called at any time by the Board Chair or one member of the board of directors of the Carlsbad golf lodging business improvement district by delivering personally or by mail, facsimile, or electronic mail, written notice to each council member and to each local newspaper of general circulation, radio or television station having filed written request for such notice. Such notice must be delivered personally, or by mail, facsimile, or electronic mail, at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. Such written notice may be dispensed with as to any board member who at or prior to the time the meeting convenes files with the clerk pro tem a written waiver of notice. Such waiver may be given by telegram, facsimile, or electronic mail. Such written notice may also be dispensed with as to any board member who is actually present at the time it convenes. The call and notice shall be posted at least twenty-four hours prior to the special meeting at the designated location for the meeting is to be held and at city council chambers.

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1.20.030 - Adjourned meetings.

All meetings may be adjourned to a time, place and date certain,. Once adjourned, the meeting may not be reconvened. Meetings may be adjourned by the board chair by a simple declaration thereof in the absence of a protest by any board member. Meetings may also be adjourned upon the making and seconding of such a motion in accordance with the procedures on motions established by this chapter. If a quorum is not present, less than a quorum may so adjourn a meeting. If all members of the board are absent, the clerk pro tem shall declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be given in the same manner as provided in Section 1.20.020 for special meetings. When any meeting is adjourned, the clerk pro tem shall post notice of such adjournment on the door at location where the meeting was to be held and council chamber door within twenty-four hours after the time of the adjournment. When a regular or adjourned regular meeting is

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adjourned as provided in this section the resulting meeting is a regular meeting for the purpose of transacting business.

1.20.050 - Meetings to be public—Exceptions—Closed sessions.

- (a) All meetings of the board of directors of the carlsbad golf lodging business improvement district shall be open to the public provided, however, the board of directors of the Carlsbad golf lodging business improvement district may hold closed sessions during any meeting from which the public and any person or entity having filed written request for notice of meetings, may be excluded for the purpose of considering the matters, as authorized by Title 5, Division 2, Part 1, Chapter 9, Sections 54950 through and including 54961 of the Government Code of the State of California or other applicable law.
- (b) No member of the board of directors of the carlsbad golf lodging business improvement district , employee of the city or any other person present during a closed session of the board shall disclose to any person the content or substance of any discussion which took place during said closed session unless the board of directors of the carlsbad golf lodging business improvement district first authorizes the disclosure of such information by a majority vote.

1.20.060 - Board agenda.

- (a) An agenda shall be prepared for each board meeting containing the time and place of the meeting, the order of business and a general description, including the specific action requested to be taken by the board, for each item of business to be transacted or discussed at the meeting. Items of business may be placed on the agenda by the direction of a member of the board, the staff liaison or the general counsel. Board originated items shall be submitted to the staff liaison prior to the scheduled board meeting. The staff liaison shall promptly give copies to the other members of the carlsbad golf lodging business improvement district board for their review and comment. Comments must be returned to the staff liaison no less than four days prior to the scheduled board meeting. The staff liaison shall include any such comments as a part of the agenda item. If time constraints require it the board chair may approve expedited processing for a board originated item provided copies are made available to the other members of the board, general counsel and the staff liaison as soon as the item is prepared and, to the extent possible, any comments received shall be incorporated. Agenda items, including resolutions, contracts, staff reports or other matters to be submitted to the board; shall be delivered to the staff liaison not later than five p.m. no less than four days prior to the meeting. The staff liaison shall thereafter prepare an agenda packet. The agenda packet shall be delivered to the board members 72 hours preceding the meeting and shall be made available to the public at the office of the city clerk and shall be posted on the city's website.
- (b) Any writings provided to all or a majority of all of the members in connection with a matter subject to discussion or consideration at an open council meeting, are disclosable public records unless specifically exempted from disclosure pursuant to California Government Code Sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, 6154.22 or any other provision of law.
- (c) Any writings or documents which relate to an open session of a regular council meeting and are distributed to the council members less than seventy-two hours prior to that meeting, shall be made available for public inspection at the office of the city clerk at the time the writing is distributed to all or a majority of all of the council members. The agenda for each council meeting shall specify that writings described by this section are available at the office of the city clerk and shall list the address for the office of the city clerk.
- (d) A binder containing all agenda related writings and documents, including those described in subsection (c) of this section will be held by the deputy city clerk at each council, meeting and will be available for public review.

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- (e) All agenda items, ordinances, resolutions and contract documents shall, before presentation to the council, have been approved as to form and legality by the city attorney or his authorized representative, and shall have been examined and approved for administration by the city manager or his authorized representative, where there are substantive matters of administration involved.
- (f) The city clerk shall post the agenda on the council chamber doors at least seventy-two hours before a regular council meeting. The city clerk shall prepare and file a signed declaration of the time and place of posting and a certified copy of the posted agenda. Except as provided in subsection (h) of this section no business shall be transacted or discussed at the meeting on any item not appearing on the posted agenda. A direction of the mayor with the consent of the council to refer a matter raised by a member of the public to staff for a report or to place a matter on a future agenda shall not constitute action.
- (g) The order of business established on the agenda shall be followed unless the mayor, with the consent of a majority of the council permits a matter to be taken out of the regular agenda order.
- (h) An agenda may be prepared for adjourned meetings in the same manner as for regular meetings, as set forth in subsection (a) of this section.
- (i) The city council may discuss or take action on items of business not appearing on the posted agenda under any of the following conditions:
 - (1) An item has been continued by the council to a date certain from a properly posted agenda at a meeting held five days or less before the date action is taken on the item.
 - (2) Upon a determination by a two-thirds vote of the council, or if less than two-thirds of the members are present a unanimous vote of those present that the need to take action arose after the agenda was posted.
 - (3) Upon a determination by the council that an emergency exists. For purposes of this section "emergency" means a crippling disaster, work stoppage or other activity which severely impairs public health, safety or both, where prompt action is necessary due to the disruption or threatened disruption of public facilities as determined by a majority of the members of the council.

(Ord. NS-887 § 1, 2008; Ord. NS-22 § 1, 1988; Ord. 1292 § 6, 1986; Ord. 1233 § 1, 1980; Ord. 1213 § 2 (part), 1979)

1.20.070 - Correspondence—Availability to the public.

Correspondence addressed to the city council which is received by the city clerk or any other officer or employee of the city shall not be a matter of public record unless it is received and filed by the council at a regular, special, or adjourned meeting of the council. Correspondence shall not be read aloud at a council meeting unless requested by majority vote of the council.

(Ord. 1213 § 2 (part), 1979)

1.20.080 - Correspondence—Authority of city manager.

- (a) The city manager is authorized to open and examine all mail or other written communications addressed to the city council, except correspondence addressed to individual council members, and to give it warranted attention to the end that all administrative business referred to in said communications and not requiring council action may be acted upon between council meetings; provided, that all communications and any action taken pursuant thereto shall be reported to the city council.

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- (b) The city manager's office and city clerk's office shall coordinate on mail received by the city clerk's office in order to effectively accomplish the purposes of this section.
- (c) Correspondence concerning a matter on an agenda for consideration by the council, which is received prior to twelve noon on Thursday preceding the meeting, shall be made a part of the agenda item.
- (d) Correspondence requiring council action shall be placed on an agenda as soon as practicable, together with a report and recommendation from the city manager.

(Ord. 1292 § 7, 1986; Ord. 1213 § 2 (part), 1979)

1.20.090 - Quorum.

Three members of the council shall constitute a quorum for the transaction of business. Motions may be passed by a majority of the quorum, but ordinance, resolutions and orders for the payment of money require at least three affirmative votes. Less than a quorum may adjourn from time to time. Where there is no quorum, the mayor, mayor pro tem or any member of the council shall adjourn such meeting, or if no member of the council is present, the city clerk shall adjourn the meeting. For the purpose of considering any item subject to vote of the council, when a member of the council is disqualified due to a conflict of interest, his or her presence shall not be considered in determining the presence of a quorum. Consideration on such item shall be deferred until a quorum of noninterested council members are present to discuss and vote on them if a disqualification reduces those in attendance to less than a quorum.

(Ord. NS-709 § 1, 2004; Ord. NS-597 § 2, 2001; Ord. 1213 § 2 (part), 1979)

1.20.100 - Conduct of business.

At the time set for each regular meeting, each member of the council, the city manager, city clerk, city attorney and such department heads or others as have been requested to be present shall take their regular places in the council chambers. The business of the council shall be conducted in substantially the order and in the manner provided in this chapter.

(Ord. 1213 § 2 (part), 1979)

1.20.110 - Order of business.

The business of the council shall be taken up for consideration and disposition in the following order:

- (1) Call to order;
- (2) Roll call;
- (3) Invocation;
- (4) Pledge of allegiance;
- (5) Approval of minutes;
- (6) Special presentations;
- (7) Consent calendar;
- (8) Ordinances for introduction;
- (9) Ordinances for adoption;
- (10) Public hearings;

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- (11) Adjournment to other agency meetings;
- (12) Departmental and city manager reports;
- (13) City council additional business;
- (14) City attorney additional business;
- (15) City manager additional business;
- (16) Announcements;
- (17) Adjournment.

Public comment as provided in Section 1.20.305 will be taken during the regular order of business at such time as the city council by motion shall determine. All other business shall be considered in the order shown above unless modified as provided for in this chapter.

(Ord. NS-744 § 3, 2005; Ord. 1298 § 1, 1987; Ord. 1292 § 8, 1986; Ord. 1213 § 2 (part), 1979)

1.20.120 - Call to order—Presiding officer.

The mayor, or in his absence the mayor pro tem, shall take the chair at the hour appointed for the meeting and shall call the council to order. In the absence of the mayor and mayor pro tem, the city clerk shall call the council to order, whereupon a temporary presiding officer shall be elected by the council members present. Upon the arrival of the mayor or the mayor pro tem, the temporary presiding officer shall relinquish the chair at the conclusion of the business then before the council. Whenever the term "mayor" is used in this chapter, and the mayor is absent, it shall apply equally to the mayor pro tem, and if he is also absent, to the presiding officer elected pursuant to this section.

(Ord. NS-597 § 3, 2001; Ord. 1213 § 2 (part), 1979)

1.20.130 - Roll call.

Before proceeding with the business of the council, the city clerk shall call the roll of the council members and the names of those present shall be entered in the minutes.

(Ord. 1213 § 2 (part), 1979)

1.20.140 - Reading of minutes.

Unless the reading of the minutes of a council meeting is requested by a member of the council, the minutes may be approved without reading if the clerk has previously furnished each member of the council with a copy thereof.

(Ord. 1213 § 2 (part), 1979)

1.20.150 - Minutes.

- (a) The minutes of the council shall be kept by the city clerk and shall be electronically produced, with a record of each particular type of business transacted set off in paragraphs, with proper subheads; provided, that the city clerk shall be required to make a record only if such business as was actually passed upon a vote of the council and shall not be required to make a verbatim transcript of the proceedings; and provided further, that a record shall be made of the names and addresses of persons addressing the council, the title of the subject matter to which their remarks related and whether they spoke in support of or in opposition to such matter.

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- (b) A council member may request, through the mayor, the privilege of having an abstract of his statement on any subject under consideration by the council entered in the minutes. If there is no objection from any member of the council, such statement shall be entered in the minutes.

(Ord. NS-744 § 4, 2005: Ord. 1213 § 2 (part), 1979)

1.20.160 - Distribution of minutes.

As soon as possible after each meeting, the city clerk shall furnish a copy of the minutes to each council member, the city manager, city attorney, and any other individuals designated by the city manager.

(Ord. 1213 § 2 (part), 1979)

1.20.170 - Recordings of meetings.

- (a) The city clerk may record city council meetings as an aid in the preparation of minutes. If recordings are made, they shall be retained by the city clerk until such time as the minutes have been approved by the city council. Upon such approval of the written minutes by the city council, the city clerk may reuse or erase such recordings unless specifically requested by the city council or the city attorney to retain such recordings at the time the minutes are approved.
- (b) While the city clerk has the recordings in her possession, members of the public may hear the recordings of the city council meetings during office hours when it will not inconvenience the ordinary operation of the clerk's office; brief or shorthand notes may be made; mechanical recordings may be made from the recordings until the minutes are approved unless the recording is retained according to subsection (a) of this section; and in this connection, the city clerk is further authorized to allow the equipment to be used by the public for listening or recording purposes when such equipment is not necessary for use by the city clerk in the ordinary function of the office. Except as provided for in Chapter 1.16, unless a request to prepare a transcript is timely submitted and accepted, the city clerk is not authorized to provide a transcript of any recording. The city clerk may establish rules and regulations necessary to protect the safety of the records against theft, mutilation or accidental damage, to prevent inspection or recording from interfering with the orderly function of the office, and to ensure that the integrity of the records is maintained. The city clerk may charge a fee to cover the cost, including labor and materials, of but not limited to providing records and administering this provision.
- (c) If any person wishes a record of the city council meeting, or any portion thereof, a request therefor shall be filed with the city clerk twenty-four hours prior to the meeting. If such a request is received, the city clerk shall make arrangements to make and preserve such a record at the expense of the person making the request.
- (d) If any person desires to have a matter reported by a stenographer reporter, he may employ one directly at his expense.

(Ord. NS-744 § 5, 2005: Ord. NS-4 § 1, 1988; Ord. 1240 § 1, 1981: Ord. 1213 § 2 (part), 1979)

1.20.180 - Consent calendar.

Certain items for inclusion on the agenda which have been reviewed by the city manager, delivered to the city council and made available to the public prior to the council meeting, shall be grouped together for action and listed under the consent calendar, when such matters are considered to be noncontroversial and in the nature of housekeeping items by the city manager, requiring only routine action by the council. Actions recommended by the city manager shall be in summary form and be a part of that item. Adoption of the consent calendar may be made by one motion approved by the council;

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provided, however, that the mayor should first advise the audience that the consent calendar matters will be adopted in total by one action of the council unless any council member or any individual or organization who has so requested wishes to be heard on one or more consent items. In that event, the mayor may defer action on the particular matter or matters and place them on the regular agenda for consideration in any order deemed appropriate. A request from the public to discuss an item must be filed with the city clerk in writing prior to council consideration of the consent calendar.

The written agenda available to the public and to the city council shall provide the following notice of explanation to the public concerning the consent calendar:

All matters listed under CONSENT CALENDAR are considered by the council to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion of these items prior to the time the Council votes on the motion unless members of the Council, the City Manager, or the public request specific items to be discussed and/or removed from the Consent Calendar for separate action. A request from the public to discuss an item must be filed with the City Clerk in writing prior to Council consideration of the Consent Calendar.

Members of the public who have requested permission to discuss a Consent Calendar item should come forward to the lectern upon invitation by the Mayor, state their name, address and Consent Calendar item number.

(Ord. 1213 § 2 (part), 1979)

1.20.190 - Presiding officer.

The mayor shall be the presiding officer at all meetings of the city council.

(Ord. 1213 § 2 (part), 1979)

1.20.200 - Powers and duties of presiding officer.

The presiding officer may move, second, debate, and vote from the chair. He shall not be deprived of any of the rights and privileges of a council member by reason of his acting as presiding officer. The presiding officer or such person as he may designate may verbally restate each question immediately prior to calling for the vote. Following the vote, the presiding officer shall announce whether the question carried or was defeated. The presiding officer shall be responsible for the maintenance of order and decorum at all meetings. He shall decide all questions of order and procedure, subject, however, to an appeal to the council in which case the matter shall be determined by majority vote of the council. The presiding officer shall sign all ordinances, resolutions, contracts, and other documents necessitating his signature which were adopted in his presence, unless he is unavailable, in which case an alternate presiding officer may sign such documents.

(Ord. 1213 § 2 (part), 1979)

1.20.210 - Gaining the floor.

Every council member desiring to speak shall first address the chair, gain recognition by the presiding officer, and shall confine himself to the question under debate, avoiding reference to character and indecorous language.

(Ord. 1213 § 2 (part), 1979)

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1.20.220 - Questions to the staff.

Every council member desiring to question the city staff shall, after recognition by the presiding officer, address his questions to the city manager, or the city attorney, who shall be entitled either to answer the inquiry himself or to designate a member of his staff for that purpose.

(Ord. 1213 § 2 (part), 1979)

1.20.230 - Interruptions.

A council member, once recognized, shall not be interrupted when speaking unless called to order by the presiding officer, or unless a point of order or personal privilege is raised by another council member, or unless the speaker chooses to yield to a question by another council member. If a council member while speaking is called to order, he shall cease speaking until the question of order is determined and if determined to be in order, he may proceed. Members of the city staff, after recognition by the presiding officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the presiding officer.

(Ord. 1213 § 2 (part), 1979)

1.20.240 - Points of order.

The presiding officer shall determine all points of order subject to the right of any council member to request full council ruling, and the question shall be, "Shall the decision of the Presiding Officer be sustained?" A majority vote shall conclusively determine such question of order.

(Ord. 1213 § 2 (part), 1979)

1.20.250 - Point of personal privilege.

The right of a council member to address the council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are questioned or where the welfare of the council is concerned. A council member raising a point of personal privilege may interrupt another council member who has the floor only if the presiding officer recognizes the privilege.

(Ord. 1213 § 2 (part), 1979)

1.20.260 - Privilege of closing debate.

Subject to the provisions of Section 1.20.270, the council member moving the adoption of an ordinance, resolution or motion shall have the privilege of closing debate, subject to a council majority ruling that debate should continue.

(Ord. 1213 § 2 (part), 1979)

1.20.270 - Calling the question.

A member of the council who wishes to terminate discussion of a motion may call for the question. If the call is seconded, the presiding officer shall ask for a vote. If the call carries, the council shall then vote on the motion without further discussion.

(Ord. 1213 § 2 (part), 1979)

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1.20.280 - Protest against council action.

Any council member shall have the right to have the reasons for his dissent from or his protest against any action of the council entered in the minutes. Such dissent or protest to be entered in the minutes shall be made in substantially the following manner: "I would like the minutes to show that I am opposed to this action for the following reasons..."

(Ord. 1213 § 2 (part), 1979)

1.20.290 - Request to address the council on items other than listed public hearing.

- (a) It is the policy of the council to permit limited presentations by members of the public on nonpublic hearing agenda items. The presiding officer may, in the absence of objection by a majority of the council members present, decline to permit such presentations on any particular nonpublic hearing item.
- (b) Any person or group of persons desiring to address the council on a nonhearing matter must file a written request for permission to address the council which must be filed with the city clerk in advance of the council's consideration of that item. The presiding officer, with the unanimous consent of the council, may allow a person who has not filed such a request to address the council.
- (c) Each person desiring to address the council shall approach the podium, state the subject that he or she wishes to discuss, city of residence, and his or her name and/or party he or she is representing (unless otherwise determined by the city attorney to be unnecessary). A speaker's remarks are limited to five minutes but may be shortened to three minutes or such shorter time as appropriate under the circumstances and when announced by the mayor or at the commencement of the item when, in the opinion of the mayor or majority of the city council, the length and duration of public comments on a public hearing item would be unduly burdensome and prevent or frustrate the city council from reaching a timely decision on the matter. All remarks shall be addressed to the council as a whole and not to any member thereof. No questions shall be asked of a council member or a member of the city staff without obtaining the permission of the mayor. The mayor shall not permit any communication, oral or written, to be made or read where it does not bear directly on the agenda item then under discussion.
- (d) After a motion has been made, no member of the public shall address the council from the audience on the matter under consideration without first securing permission to do so by a majority vote of the city council.
- (e) No person shall address the council without first securing the permission of the presiding officer.

(Ord. NS-770 § 1, 2005; Ord. 1222 § 1, 1979; Ord. 1213 § 2 (part), 1979)

(Ord. No. CS-96, § 1, 7-27-2010)

1.20.300 - Purpose and intent—Addressing the council.

Our society has long recognized that it is important for citizens of any community to have the ability to address their elected officials. To that end, the City of Carlsbad has enacted decorum ordinances to facilitate such activities at council meetings. These ordinances are designed to allow for public input but retain the recognition that city business and the needs of all the people necessarily require some limitations. Clearly, the more orderly a meeting, the more time members of the council will have to adequately consider and address any issues raised. Dissent at public meetings is also a recognized concept in a free society. It is one of the ways in which concerns about pending issues can be expressed, and without which the nature or extent of those concerns might result in less than informed decisions. But it is equally important to recognize that dissent is not without limitations. If anyone who wished to move a public meeting toward a particular position could disrupt the proceedings whenever they felt moved to do

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so, the rights of all others and the business of a city would soon stagnate and the actions themselves would tend to imperil the very freedoms we all seek. It is therefore important to remember that no one has a constitutional right to disrupt a public meeting by attempting to impose their own voice or actions in a manner that is loud, boisterous, or unruly where such conduct is substantially disruptive of the meeting itself, not in compliance with the rules set forth for the governance of the such meetings, and continues after the mayor has requested the person or persons to stop. The issue in such cases is not about the content of speech, unless the content itself violates the law, but rather with the extent of disruption caused to the meeting itself by the manner and conduct of the speaker's actions.

(Ord. No. CS-153, § 3, 7-26-2011)

1.20.302 - Addressing the council—Spokesperson for group of persons.

- (a) In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address the council on the same subject matter, it shall be proper for the presiding officer to require that a spokesperson be chosen from the group to address the council. If additional matters are to be presented by any other members of the group, the presiding officer may limit the number of such persons and limit the presentation to information not already presented by the group spokesperson.
- (b) For items other than those listed on the agenda for public hearing, groups of persons shall be limited to a total presentation period of ten minutes. The presiding officer shall first call for representatives of groups in favor of the matter under consideration and then for those persons in opposition to the matter under consideration, and thereafter shall allow a rebuttal time limited to five minutes to the proponents who shall confine rebuttal remarks to answering comments made in opposition and not the introduction of new testimony. Further time may be granted by majority vote of the council.

(Ord. 1213 § 2 (part), 1979)

(Ord. No. CS-153, § 2, 7-26-2011)

1.20.305 - Opportunity for public to address the council—Nonagenda items.

- (a) Every agenda for a regular council meeting shall provide a period for members of the public to address the council on items of interest to the public that are not on the agenda but are within the jurisdiction of the city council.
- (b) Speakers shall be limited to three minutes each with the total time for all speakers not to exceed fifteen minutes unless additional time is granted by majority vote of the council. Anyone desiring to speak shall reserve time at the meeting by filing a written request with the city clerk. Speakers will be called in the order reserved within the available time. The mayor with the consent of the council may, if time permits, allow persons to speak who have not filed a written request to reserve time.
- (c) Each person desiring to address the council shall approach the podium, state the subject he/she wishes to discuss, city of residence, and his/her name and/or party he/she is representing (unless otherwise determined by the city attorney to be unnecessary). All remarks shall be addressed to the council as a whole and not to any member thereof. No questions shall be asked of a council member or a member of the city staff without obtaining the permission of the presiding officer. The presiding officer shall not permit any communication, oral or written, to be made or read where it is not within the subject matter jurisdiction of the city council.

(Ord. NS-770 §§ 2, 3, 2005; Ord. 1292 § 9, 1986)

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1.20.310 - Decorum and order—Council and city staff.

While the council is in session, the council members and city staff shall observe good order and decorum and shall not by conversation or otherwise, improperly delay or interrupt the proceedings nor refuse to obey the directives of the mayor as authorized under this chapter.

(Ord. 1213 § 2 (part), 1979)

(Ord. No. CS-153, § 4, 7-26-2011)

1.20.320 - Public attendance and audience—Decorum and order.

Members of the public attending council meetings shall observe the same rules of order and decorum applicable to the city council and staff. Any person wishing to address the council is responsible for familiarizing himself/herself with the rules and ordinances applicable to council meetings. Copies of those requirements are available on file in the office of the city clerk and on the city's website.

(Ord. 1213 § 2 (part), 1979)

(Ord. No. CS-153, § 5, 7-26-2011)

1.20.330 - Enforcement of decorum.

- (a) The chief of police or such member of the police department as he, or his authorized agent, may designate shall be sergeant-at-arms of the city council and said person shall attend meetings at the request of the mayor, the city manager, or a majority of the city council. He shall be available to respond to all meetings immediately upon call. He shall carry out all orders authorized under this chapter that are given by the mayor for the purpose of maintaining order and decorum at the council meetings. The sergeant-at-arms may, at any time, request assistance from other members of the police department to accomplish that purpose. Any council member may move to require the mayor to enforce the rules, and the affirmative vote of a majority of the council members present shall require him to do so.
- (b) Any person, including any member of the council or city staff, who by voice or conduct engages in loud, boisterous, or unruly behavior that substantially disrupts a council meeting, that does not comply with the rules of set forth in this chapter for governance of such meeting, and continues after the mayor has requested such person(s) to stop, is engaging in unlawful conduct and, except as set forth in subsections (c) and (d) of this section, shall constitute an infraction.
- (c) Any person arrested under subsection (b) of this section and who thereafter returns to the same meeting and again violates the provisions of subsection (b) of this section, commits a misdemeanor.
- (d) Any person previously convicted under subsection (b) of this section, who again violates the provisions of subsection (b) of this section, commits a misdemeanor.

(Ord. 1213 § 2 (part), 1979)

(Ord. No. CS-153, § 6, 7-26-2011)

1.20.340 - Voting procedures.

- (a) Voting shall be conducted by the use of the voting light system installed in the council chambers. A red light designates a "No or Negative" vote, a green light designates a "Yes or Affirmative" vote, and an amber light designates a vote to "Abstain."

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- (b) The council may at any time, or from time to time, dispense with the use of the voting light system by voice vote of the majority. In such an event, voting shall be conducted by voice vote until such time as a determination is made to again use the voting light system, or some other system.
- (c) When the council is voting the voice vote, a negative vote shall be registered by the oral statement of "NO" by the council member voting. Affirmative vote shall be registered by the oral statement of "YES" or "AYE" by the council member voting.

(Ord. 1213 § 2 (part), 1979)

1.20.350 - Disqualification for conflict of interest.

If a council member has reason to think a conflict of interest may exist, he or she shall give the facts of the matter to the city attorney and request advice thereon prior to the meeting. Any council member who is disqualified from voting on a particular matter by the reason of a conflict of interest or a potential conflict of interest and immediately prior to the consideration of matter, shall:

- (a) Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
- (b) Recuse himself or herself from discussing and voting on the matter.
- (c) Leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the consent calendar.
- (d) A council member may address the council notwithstanding a conflict during the time that the general public speaks on the issue.

A council member stating such disqualification shall not be counted as apart of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter.

(Ord. NS-659 § 1, 2003; Ord. 1213 § 2 (part), 1979)

1.20.360 - Failure to vote.

Every council member should vote unless disqualified by reason of conflict of interest. A council member who abstains from voting acknowledges that a majority of the quorum may decide the question voted upon.

(Ord. 1213 § 2 (part), 1979)

1.20.370 - Tie vote.

Tie votes or a vote lacking the required number of affirmative votes shall constitute "no action," and the matter voted upon remains before the council and is subject to further council consideration. If the city council is unable to take action on a matter before it because of a tie vote or the lack of the required number of votes, the city clerk shall place the item on the next regular meeting of the city council for further consideration except matters involving development applications which are before the council by virtue of a recommendation or appeal from the planning commission or design review board, in which case if a final decision of the city council is not reached within a reasonable time, not to exceed, sixty days, the matter shall be deemed denied. During this sixty-day period, any council member may make a written request that the matter be restored to the council's agenda.

(Ord. NS-626 § 1, 2002; Ord. 1213 § 2 (part), 1979)

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1.20.380 - Changing vote.

A council member may change his vote only if a timely request to do so is made immediately following the announcement of the vote by the presiding officer and prior to the time the next item in the order of business is taken up. A council member who publicly announces that he is abstaining from voting on a particular matter shall not subsequently be allowed to withdraw his abstention.

(Ord. 1213 § 2 (part), 1979)

1.20.390 - Reconsideration.

- (a) A motion to reconsider any action taken by the council may be made only at the meeting such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion may be made only by one of the council members who voted with the prevailing side. Nothing in this section shall be construed to prevent any council member from making or remaking the same or any other motion at a subsequent meeting of the council.
- (b) A motion to rescind, repeal, cancel or otherwise nullify prior council action shall be in order at any subsequent meeting of the council. The effect of such action shall operate prospectively and not retroactively and shall not operate to adversely affect individual rights which may have been vested in the interim.

(Ord. 1213 § 2 (part), 1979)

1.20.490 - Motions.

- (a) A motion is the formal statement of a proposal or question to the council for consideration and action. Every council member has the right to present a motion. A motion is generally not to be considered as a legislative action of the council, but is in the nature of direction or instruction; however, a motion will generally suffice unless a resolution is specifically called for by law or unless there is some reason for desiring the particular action formalized by separate instrument.
- (b) If a motion contains two or more divisible propositions, the presiding officer may divide the same.
- (c) If a motion is properly made, the presiding officer shall call for a second. No further action is required on a motion which does not receive a second.
- (d) When a motion is made and seconded, it shall be restated by the mayor before a vote.
- (e) A motion once before the council may not be withdrawn by the maker without the consent of the second.

(Ord. 1213 § 2 (part), 1979)

1.20.500 - Precedence of motions.

- (a) When a main motion is before the council, no motion shall be entertained except the following which shall have precedence, one over the other, in the following order:
 - (1) Adjourn;
 - (2) Recess;
 - (3) Table;
 - (4) Previous question;

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- (5) Limit or extend debate;
 - (6) Refer to committee or staff;
 - (7) Substitute;
 - (8) Amend;
 - (9) Postpone;
 - (10) Main motion.
- (b) The order of preference in subsection (a) of this section is subject to the following restrictions:
- (1) A motion shall not be in order which repeats a motion made previously at the same meeting unless there has been some intervening council action or discussion.
 - (2) A motion shall not be in order when the previous question has been ordered.
 - (3) A motion shall not be in order while a vote is being taken.
 - (4) A motion shall not be in order when made as an interruption of a council member while speaking.
- (Ord. 1213 § 2 (part), 1979)

1.20.510 - Particular motions, purpose and criteria.

The purpose and salient criteria of the motions listed in Section 1.20.500 is as follows:

- (1) Motion to adjourn:
 - (A) Purpose. To terminate a meeting;
 - (B) Debatable or Amendable. No, except a motion to adjourn to another time is debatable and amendable as to the time to which the meeting is to be adjourned;
- (2) Motion to recess:
 - (A) Purpose. To permit an interlude in the meeting and to set a definite time for continuing the meeting;
 - (B) Debatable or Amendable. Yes, but restricted as to time or duration of recess;
- (3) Motion to table:
 - (A) Purpose. To set aside, on a temporary basis, a pending main motion; provided that, it may be taken up again for consideration during the current meeting or at the next regular meeting;
 - (B) Debatable or Amendable. It is debatable but not amendable;
- (4) Motion for previous question:
 - (A) Purpose. To prevent or stop discussion on the pending question or questions and to bring such question or questions to vote immediately. If the motion passes, a vote shall be taken on the pending motion or motions;
 - (B) Debatable or Amendable. No;
- (5) Motion to limit or extend debate:
 - (A) Purpose. To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion;

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- (B) Debatable or Amendable. Not debatable; amendments are restricted to period of time of the proposed limit or extension;
 - (6) Motion to refer to committee or staff:
 - (A) Purpose. To refer the question before the council to a committee or to the city staff for the purpose of investigating or studying the proposal and to make a report back to the council. If the motion fails, discussion or vote on the question resumes;
 - (B) Debatable or Amendable. Yes;
 - (7) Substitute motion:
 - (A) Purpose. To strike out the one main motion and insert another main motion in its place which may be done so long as it is related to the subject of the original motion;
 - (B) Debatable or Amendable. The substitute motion is left unacted on until the council members have the opportunity to perfect the main motion by amendments if desired. The substitute motion is debatable and subject to amendment. After amendments have been offered, the substitute motion is voted upon and, if adopted, strikes the main motion;
 - (8) Amend:
 - (A) Purpose. To modify or change a motion that is being considered by the council so that it will express more satisfactorily the will of the members. If the motion passes, then the main motion should be voted on as amended;
 - (B) Debatable or Amendable. It is debatable unless applied to an undebatable main motion. It is amendable;
 - (9) Motion to postpone:
 - (A) Purpose. To prevent further discussion and voting on the main motion until a future date or event. If the motion fails, discussion and voting on the main motion resumes. If it passes, the subject of the main motion shall not be brought up again until the specified date or event;
 - (B) Debatable or Amendable. It is debatable but not amendable;
 - (10) Main motion:
 - (A) Purpose. The primary proposal or question before the council for discussion and decision;
 - (B) Debatable or Amendable. Yes.
- (Ord. 1213 § 2 (part), 1979)

1.20.520 - Resolutions.

In most cases, a resolution is little more than a formal motion set forth in a formal document. In some matters, such as an assessment proceeding, general plan amendment or the grant or denial of variances, a resolution is required. A resolution should be required under any circumstances where it is desirable that the action be formally recorded in the office of the city clerk as a numbered document which can be used for future reference. Legislative actions as set forth in Section 1.20.530 should be by ordinance or resolution.

(Ord. 1213 § 2 (part), 1979)

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1.20.530 - Legislative action.

All legislative action undertaken by the city council shall be by means of an ordinance or resolution. Legislation of a permanent nature which is to remain in force until amended or repealed, which establishes rights and obligations and the failure to comply with which may result in a penalty, shall be by ordinance.

(Ord. 1213 § 2 (part), 1979)

1.20.540 - Resolutions—Adoption.

- (a) Where a particular resolution has been prepared and is before the council, it shall be adopted by motion, second, discussion and vote. It is not necessary to read the resolution by title or in full; provided it is identified by the presiding officer. Upon request of any member of the council, the resolution shall be read by title or in full.
- (b) Where a particular resolution has not been prepared, a motion to direct the city attorney to prepare the document and return it to the council is in order.
- (c) Where necessary, a resolution may be presented verbally in motion form together with instructions for written preparation. Upon execution of such a resolution, it shall become an official action of the council.

(Ord. 1213 § 2 (part), 1979)

1.20.560 - Correction of documents.

Upon occasion, ordinances or other documents are submitted in draft form, or on the spot amendments occur, or typographical or other technical errors are found which necessitate retyping of the document; such redraft, when properly executed, shall become the original document, to be effective and to be retained in the files of the city clerk.

(Ord. 1213 § 2 (part), 1979)

1.20.570 - Robert's Rules of Order.

If a matter arises at a council meeting which is not covered by this chapter or applicable provisions of federal or state law or the Carlsbad Municipal Code, the procedures of the council shall be governed by the latest revised edition of Robert's Rules of Order.

(Ord. 1213 § 2 (part), 1979)

1.20.590 - Failure to observe procedures—Waiver.

- (a) The provisions of this chapter are adopted to expedite the transaction of the business of the council in an orderly fashion and are deemed to be procedural only. The failure to strictly observe such rules shall not affect the jurisdiction of the council or invalidate any action taken at a meeting that is otherwise held in conformity with law.
- (b) A failure on the part of any person to register a timely objection to the procedures of this chapter at the public hearing or other proceedings shall constitute a waiver of all such objections.

(Ord. 1241 § 1, 1981; Ord. 1213 § 2 (part), 1979)

**CARLSBAD GOLF LODGING
BUSINESS IMPROVEMENT DISTRICT
AGENDA BILL**

AB#	04-13-05	<i>Proposed Process for Reimbursement Carlsbad Golf Lodging Business Improvement District (CGLBID)</i>	CGLBID STAFF 
MTG.	<u>04-17-13</u>		GENERAL COUNSEL

RECOMMENDED ACTION:

Adopt Resolution No. 2013-4G approving the Process for Reimbursement of approved golf related expenses.

ITEM EXPLANATION:

At its November 27, 2012 meeting, the Carlsbad City Council adopted ordinance No.CS-194 forming the Carlsbad Golf Lodging Business Improvement District (CGLBID). Hotels (as that term is defined in Carlsbad Municipal Code § 3.12.020(1)) that choose to opt in and be a part of this district are assessed \$2 per occupied room night which is remitted to the city monthly through the current Transient Occupancy Tax collection process. The proceeds of the additional Hotel business assessment shall be used to promote golf-related tourism within the boundaries of the CGLBID, as well as marketing related capital improvements such as golf-related signage, golf related equipment and to pay for the related administrative costs. Each assessed Hotel would determine how to spend the funds collected by their respective property provided the expenditures are for an approved golf related expense. Reimbursement of these expenses would be made quarterly upon approval by the CGLBID Board up to the amount collected per property minus administrative fees.

Attached at Exhibit 1 is a proposed process for reimbursement. The Board should review this process and direct staff on any changes they would like made before it is implemented. The Board may adopt, by resolution, the proposed process for reimbursement or direct staff to make modifications accordingly. If the latter, staff will return at a future Board meeting with a revised process for reimbursement.

FISCAL IMPACT:

None.

ENVIRONMENTAL IMPACT:

This action does not qualify as a project under the California Environment Quality Act ("CEQA") and will not have a physical adverse effect on the environment. (CEQA Regulation 15378(b)).

EXHIBITS:

1. CGLBID Proposed Process for Reimbursement
2. Resolution No. 2013-4G adopting the process for reimbursement.

DEPARTMENT CONTACT: Cheryl Gerhardt, 760-602-2753, cheryl.gerhardt@carlsbadca.gov

Carlsbad Golf Lodging Business Improvement District (CGLBID)
Proposed Process for Reimbursement
(see Chapter 3.38 of CMC for more information)

- Hotels that have opted into the CGLBID will collect a \$2 per room night CGLBID assessment. This assessment may be combined with the CTBID assessment on the guest's bill, and notated as "BID Assessments", but may not be combined with TOT or state assessments.
- Hotel will remit monthly, CGLBID assessments along with TOT and CTBID assessments. City finance department will revise form to include line for CGLBID assessment.
- City will track CGLBID payments for each hotel. Amount collected minus 4% administrative charge will be available to the hotels for reimbursement for allowable expenditures.
- Hotel shall submit a quarterly accounting of expenses for CGLBID activities to BID manager. Reimbursement requests submitted by the 10th of the month following the end of the quarter will be processed for that quarter's reimbursement.
- BID manager will review documentation and determine allowable amount of reimbursement. Reimbursement will be limited to amount of assessment remitted to the city less the 4% administrative fee. Reimbursement request will be included in the CGLBID Board meeting agenda for approval by the CGLBID Board at the next CGLBID Board meeting. Approval must be made by a quorum of the board which is at least two members. CGLBID Board's decision shall be final as to whether an allowable expenditure is reimbursable.
- Where a reimbursement was denied by the CGLBID Board, the Board, pursuant to CMC § 3.28.070, may recommend to the Carlsbad City Council that the type or purpose of denied reimbursement be permitted in the future as an allowable expenditure.
- Once reimbursement is approved by the CGLBID Board, BID manager will process the payment to hotel.
- Any funds that have not been reimbursed by the end of the year will carry forward to the next year.
- Meeting dates for CGLBID 1/30/13, 4/17/13, 5/?/13, 7/?/13, 10/?/13
- Allowable expenditures include the following:
 - Equipment related to golf such as golf transportation equipment, golf racks, golf signage, etc. (equipment related specifically to the promotion of golf)
 - Joint marketing related to the promotion of a member's property and a Carlsbad golf

course, such as:

- A brand initiative such as Marriott, Hilton, Starwood, or Hyatt advertising the member's property in conjunction with a Carlsbad Golf Course
 - A marketing promotion - radio, TV, or print advertising the member's property and a Carlsbad golf course
 - On-line / Internet promotions jointly advertising a member's property and a Carlsbad golf course
 - Reimbursement for marketing and sales staff on time spent in joint marketing efforts
- Other expenses to promote golf-related tourism
- Documentation required for reimbursement
 - Completed Request for Reimbursement Form
 - Copy of invoices for expenses

Request for Reimbursement

Carlsbad Golf Lodging Business Improvement District (CGLBID)

Hotel: _____

Request Amount: _____

Paid For: _____

Date Paid: _____

Paid By: _____

Request Description
(attach supporting
documentation, i.e.,
receipts):

This is where the reimbursement check will be mailed:

NAME OF PAYEE: _____

STREET ADDRESS: _____

CITY, STATE & ZIP: _____

PREPARED BY: _____ DATE: _____

TITLE: _____

For OFFICE USE ONLY

Approved By BID Manager: _____ Date: _____

Approved by CGLBID Board ☐ DATE _____ Agenda Bill No. _____ Resolution No. _____

RESOLUTION NO. 2013-4G**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CARLSBAD GOLF LODGING BUSINESS IMPROVEMENT
DISTRICT, ADOPTING THE PROPOSED REIMBURSEMENT
PROCESS**

WHEREAS, at its November 27, 2012 meeting, the Carlsbad City Council adopted Ordinance No. CS-194 forming the Carlsbad Golf Lodging Business Improvement District (CGLBID); and

WHEREAS, members of the district are assessed \$2 per occupied room night which is remitted to the city monthly through the current Transient Occupancy Tax collection process; and

WHEREAS, the proceeds of the additional assessment shall be used to promote golf related tourism within the boundaries of the district: and

WHEREAS, each assessed hotel would determine how to spend the funds collected by their respective property provided the expenditure are for an approved golf related expense; and

WHEREAS, reimbursement of these expenses would be made quarterly upon approval of the CGLBID Board up to the amount collected per property minus administrative fees per the reimbursement process as shown at Exhibit 1.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Carlsbad Golf Lodging Business Improvement District, as follows:

1. That the above recitations are true and correct.
2. The CGLBID Board adopts the proposed reimbursement process at Exhibit 1.

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PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors of the Carlsbad Tourism Business Improvement District on the ____ day of _____, 2013, by the following vote to wit:

A Y E S:

NOES:

ABSENT:

Mark Stiebeling, Chair

ATTEST:

Pro Tem Clerk of the
Carlsbad Tourism Business Improvement District

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